IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.178 OF 1997

IN

SUMMARY SUIT NO.2940 OF 1995

M/s.Bajaj Ltd. ...Plaintiff.

vs.

Manoj C. Majithia & another. ...Defendants.

Mr.B.B.Saraf i/b. M/s.Shah & Sanghvi, for Plaintiff.

Mr.D.H.Mehta i/b. S.P.Kanuga, for Defendants.

CORAM: D.K.DESHMUKH, J.

DATED: 6th MARCH,2007.

P.C.:

1. In the plaint, the plaintiff is claiming interest under the Interest Act at the rate of 18% per annum. In view of the provisions of the Interest Act, the plaintiff will have to prove that that was the prevailing rate of interest at the relevant time, and therefore, in my opinion, the suit cannot be decreed in summary jurisdiction. The summons for judgment is disposed of. The defendants are granted unconditional leave. Written statement to be filed within eight weeks.